

U.S. Department of Justice  
Drug Enforcement Administration

Chemical Handler's Manual  
January 2004

**Appendix J**

# NOTICE

## **RED PHOSPHORUS, WHITE PHOSPHORUS AND HYPOPHOSPHOROUS ACID ARE BEING USED TO MAKE METHAMPHETAMINE**

The Drug Enforcement Administration (DEA), and numerous state/local law enforcement authorities throughout the United States, have noted an alarming trend involving illicit methamphetamine production. Methamphetamine (AKA speed, crank or meth) is a major drug problem in the United States. All businesses engaged in the sale of red phosphorus, white phosphorus and hypophosphorous acid products should be aware of the use of these products by clandestine methamphetamine laboratory operators.

Criminal elements routinely use these List I chemicals in the illicit production of methamphetamine. DEA is aware that these criminals are searching for sources of supply for these List I chemicals.

This notice is being provided to:

1. Make you aware that these products became federally regulated List I chemicals on 11/16/01 under the Comprehensive Methamphetamine Control Act of 1996 and records are required for all transactions.
2. Remind all distributors of these products that they must obtain identifying information on their customer and that they must know their customer to avoid unwittingly becoming a supplier to a clandestine methamphetamine laboratory, and report all suspicious orders to your closest law enforcement agency, and
3. Advise all distributors of these List I chemicals that it is unlawful for any person knowingly or intentionally to manufacture, distribute, export, or import any equipment, chemical, product, or material which may be used to manufacture a controlled substance or listed chemical, knowing, intending, or having reasonable cause to believe that it will be used to manufacture a controlled substance or listed chemical in violation of the Controlled Substance Act...21 U.S.C. 843(a)(7). Persons who violate 21 U.S.C. 843(a)(7) may be subject to criminal or civil penalties.

Law enforcement authorities are asking for your cooperation in this matter.

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## **SAFROLE AND SASSAFRAS OIL ARE BEING USED IN THE ILLICIT MANUFACTURE OF MDMA**

The Drug Enforcement Administration (DEA) and state/local law enforcement authorities throughout the United States have noted an alarming trend involving illicit MDMA production. MDMA (Ecstasy) is a major drug problem in the United States. All businesses engaged in the sale of safrole and essential oils rich in safrole, such as, sassafras oil, "brown" camphor oil or camphor oil 1.070, also referred to as Chinese sassafras oil, should be aware of the use of these products by clandestine MDMA laboratory operators.

Criminal elements routinely use these List I chemicals in the illicit production of MDMA. DEA is aware that these criminals are searching, often over the Internet, for sources of supply for these List I chemicals.

This notice is being provided to:

1. Make you aware that safrole and essential oils rich in safrole, such as sassafras oil, and brown camphor oil or camphor oil 1.070, are List I chemicals;
2. Remind all distributors of these products that they must be registered with DEA, obtain identifying information from their customers, keep records, report suspicious orders to DEA, and "know their customer," to avoid unwittingly becoming a supplier to a clandestine MDMA laboratory;
3. Advise all distributors of these List I chemicals that it is unlawful for any person to possess or distribute a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to manufacture a controlled substance in violation of the Controlled Substances Act...21 U.S.C. 841(c)(2). Persons who violate 21 U.S.C. 841(c)(2) and/or the recordkeeping and reporting requirements are subject to criminal and/or civil penalties.

05/01/03

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## Appendix K

### List of Legal Requirements Applying to Regulated Persons And Regulated Transactions

| Requirement   | List I               | List II              |
|---|----------------------|----------------------|
|   | 21 CFR<br>1310.02(a) | 21 CFR<br>1310.02(b) |
| <b>Proof of Identity</b> 21 U.S.C. § 830 (a)(3); 21 CFR § 1310.07<br>It is the duty of each regulated person who engages in a regulated transaction to positively identify each party to the transaction.   | √                    | √                    |
| <b>Records</b> 21 U.S.C. § 830 (a); 21 CFR Part 1310<br>Each regulated person who engages in a regulated transaction shall keep a readily retrievable record of the transaction.  | √                    | √                    |
| <b>Reporting Suspicious Orders</b> 21 U.S.C. § 830 (b)(1); § 842 (a)(11)<br>21 CFR § 1310.05(a)(1)<br>Each regulated person shall report any suspicious regulated transaction. Additional information can be found in the report of the Suspicious Orders Task Force.   | √                    | √                    |
| <b>Registration</b> 21 U.S.C. § 822; 21 CFR Part 1309<br>Every person who manufactures or distributes any List I Chemical shall obtain a registration.  | √                    |                      |
| <b>Import/Export Notification</b> 21 U.S.C. § 971(a); 21 CFR Part 1313<br>Each regulated person who imports or exports a listed chemical in greater than threshold quantities shall notify DEA not later than 15 days before the transaction (unless DEA waives the 15 day requirement)   | √                    | √                    |
| <b>Authorization of International Transaction</b> 21 U.S.C. § 971 (d);<br>21 CFR § 1313.32 and §1300.02 (15)<br>A broker or trader located in the United States and participating in a threshold shipment of a listed chemical across an international border, other than a U.S. border, must notify DEA no later than 15 days prior to shipment.         | √                    | √                    |
| <b>Security</b> 21 U.S.C. § 823 (h); 21 CFR § 1309.71-73<br>Registrants must maintain effective controls to prevent diversion.  | √                    |                      |
| <b>Mail Order Reports</b> 21 U.S.C. § 830 (b)(3)<br>Each regulated person who engages in a transaction with a nonregulated person which involves drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine and who uses the Postal Service or any private carrier shall report monthly. See 21 U.S.C. § 830 (b) (3) (A) for exemptions. | √                    |                      |
| <b>Other Recurring Reports</b> 21 U.S.C. § 830; 21 CFR § 1310.05-06<br>Every registered manufacturer shall submit manufacturing, inventory, and use data on an annual basis. For tableting and encapsulating machines, each domestic sale and each importation shall be reported.   | √                    |                      |

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### **Plain Lanugage**

The Drug Enforcement Administration makes every effort to write clearly. If you have suggestions as to how to improve the clarity of this manual, call or write to:

Liaison and Policy Section  
Office of Diversion Control  
Drug Enforcement Administration  
Washington, D.C. 20537  
Telephone (202) 307-7297

### **Small Business Regulatory Enforcement Fairness Act**

This publication is intended to provide guidance and information on the requirements of the Controlled Substances Act and its implementing regulations. If you require additional clarification or assistance, or wish to comment on any matter regarding DEA's requirements or regulatory activities, please contact your local DEA office Diversion Group. Every effort will be made to respond promptly to your inquiry.

Furthermore, please be aware that the Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of the DEA Diversion Program, call 1-888-REG-FAIR (1-888-734-3247) or log on to the ombudsman's web site at [www.sba.gov/ombudsman](http://www.sba.gov/ombudsman).